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Complainant's
Exhibit No. 109

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July 29, 2004

FEDERAL EXPRESS

Ilana S. Saltzbar, Esq.
United States Environmental Protection Agency
Toxics and Pesticides Enforcement Division (2245A)
Office of Regulatory Enforcement
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: In The Matter Of: E.I. duPont de Nemours and Company, Wilmington, DE,
Respondent, Washington Works Facility, Route 892 South DuPont Road,
Washington, Wood County, WV (TSCA Subpoena No. HQ-TPED-01)

Dear Ms. Saltzbar:

We are providing the following information in response to the referenced subpoena (copy attached), as clarified and modified in subsequent letters from you dated July 23, 2004 (copy attached) and July 28, 2004 (copy attached):

INFORMATION AND DOCUMENTS REQUESTED

REQUEST NO. 1: Provide a list of all individuals or agents deposed by plaintiffs and defendants in the lawsuit styled *Tennant v. E.I. duPont de Nemours & Co., Inc.*, Civil Action No. 6:99-0488 (S.D. W.Va.). In preparing this list, please identify whether the deponent was deposed by plaintiffs or defendant.

RESPONSE: See attached List A.

REQUEST NO. 2: Provide a list of all individuals or agents deposed by plaintiffs and defendants in the lawsuit styled *Leach, et al. v. E.I. duPont de Nemours & Co., Inc.*, Civil Action

Hana S. Saltzbar, Esq.

July 29, 2004

Page 2

No. 01-C-608 (Wood County, W.Va.). In preparing this list, please identify whether the deponent was deposed by plaintiffs or defendant.

RESPONSE: See attached List B.

REQUEST NO. 3: Provide a list of all individuals deposed by plaintiffs and identified by you in your response to Question 1, above whose deposition, in whole or in part, involves human health or environmental exposure, human health risk, or environmental contamination from PFOA.

RESPONSE: See all individuals identified in attached List A.

REQUEST NO. 4: Provide a list of all individuals deposed by plaintiffs and identified by you in your response to Question 2, above whose deposition, in whole or in part, involves human health or environmental exposure, human health risk, or environmental contamination from PFOA.

RESPONSE: See all individuals identified in attached List B.

REQUEST NO. 5: Provide a list of all individuals deposed by defendant and identified by you in your response to Question 1, above whose deposition, in whole or in part, involves human health or environmental exposure, human health risk, or environmental contamination from PFOA.

RESPONSE: See all individuals identified in attached List A.

REQUEST NO. 6: Provide a list of all individuals deposed by defendant and identified by you in your response to Question 2, above whose deposition, in whole or in part, involves human health or environmental exposure, human health risk, or environmental contamination from PFOA.

RESPONSE: See all individuals identified in attached List B.

REQUEST NO. 7: Identify and produce complete copies of all depositions and related documents, including, but not limited to transcripts, attachments, exhibits, charts, maps, and tables identified by you in your response to Question 3, above.

RESPONSE: Attached List A identifies the responsive deposition transcripts and related documents that are enclosed.

REQUEST NO. 8: Identify and produce complete copies of all depositions and related documents, including, but not limited to transcripts, attachments, exhibits, charts, maps, and tables identified by you in your response to Question 4, above.

RESPONSE: Attached List B identifies the responsive deposition transcripts and related documents that are enclosed.

Hana S. Saltzbart, Esq.

July 29, 2004

Page 3

REQUEST NO. 9: Provide a description of each deposition identified by you in your response to Question 5, above.

RESPONSE: See description of depositions provided in attached List A.

REQUEST NO. 10: Provide a description of each deposition identified by you in your response to Question 6, above.

RESPONSE: See description of depositions provided in attached List B.

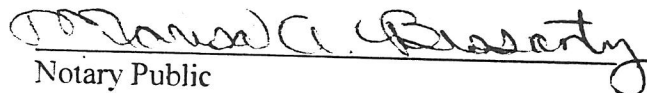
REQUEST FROM ATTACHED 7/23/2004 USEPA LETTER: Identify all such instances in which "Confidential Information" has been withheld from your production and include a written description identifying the title and the nature of the withheld information, and to which deposition, or portion of a deposition, such withheld information corresponds.

RESPONSE: See attached Lists C-G.


Robert A. Bilott

State of Ohio)
) :ss
County of Hamilton)

The foregoing instrument was acknowledged before me this 29 day of July, 2004, by:


Notary Public

My Commission expires: **MARISA ANN BISCIONE**
Notary Public, State of Ohio
My Commission Expires April 26, 2006

RAB:mdm

Attachments and Enclosures

cc: R. Edison Hill, Esq. (w/ attachments, w/o encls.)
Larry A. Winter, Esq. (w/ attachments, w/o encls.)
Gerald J. Rapien, Esq. (w/ attachments, w/o encls.)
Kathleen J. Welch, Paralegal (w/o attachments, w/o encls.)

LIST A

Depositions Taken in

*Wilbur Earl Tennant, et al. v. E.I.
Du Pont de Nemours and Company, Inc.*
U.S. District Court, Southern District of West Virginia
Civil Action No. 6:99-0488

I. DEPOSITIONS TAKEN BY PLAINTIFFS (Copies of transcripts enclosed)

A. DUPONT EMPLOYEES:

1. Paul Bossert -- 1/16/01
2. Andrew Hartten -- 5/2/01*
3. Anthony Playtis -- 1/31/01
4. Robert L. Ritchey -- 2/14/01
5. Thomas Waldron -- 1/19/01
6. Daniel Weber -- 1/8/01
7. George Woytowich -- 1/15/01

II. DEPOSITIONS TAKEN BY DUPONT

A. PLAINTIFFS:

1. Della Tennant (named Plaintiff deposition) -- 6/21/00
2. Erwin Tennant (named Plaintiff deposition) -- 7/27/00
3. James Tennant (named Plaintiff deposition) -- 6/20/00
4. Sandra Tennant (named Plaintiff deposition) -- 6/14/00
5. Wilbur Tennant (named Plaintiff deposition) -- 6/13/00

* This deposition was recorded by videotape, in addition to the written transcript. According to agreement with U.S. EPA, only the written transcript is being produced at this time.

LIST B

Depositions Taken In
Jack W. Leach, et al. v. E.I. duPont de Nemours and Company,
Circuit Court of Wood County, West Virginia, Civil Action No. 01-C-608

I. DEPOSITIONS TAKEN BY PLAINTIFFS (Copies of transcripts enclosed)

A. DUPONT CURRENT/FORMER EMPLOYEES

1. Richard Anguillo - 11/22/02*
2. Timothy Bingman - 4/19/04
3. Glen Evers - 4/30/04*
4. Dr. William Fayerweather - 6/3/04*
5. Charles O. Holliday, Jr. - 3/12/04*
6. Dr. Robert Ingalls - 5/19/04
7. Dr. Bruce Karrh - 4/14/04, 4/15/04*
8. Gerald Kennedy 7/31/02, 8/1/02*
9. Robin Leonard - 6/25/04*
10. George Senkler - 11/21/02*
11. Craig Skaggs - 3/6/02
12. Howard A. Smith - 5/21/04
13. Dr. Raymond Strocko - 6/23/04
14. Judy Walrath - 6/24/04*

* These depositions were recorded by videotape, in addition to the written transcript. According to agreement with U.S. EPA, only the written transcripts are being produced at this time.

B. WVDEP CURRENT/FORMER EMPLOYEES

1. Andrew Gallagher - 5/17/04
2. Dee Ann Staats - 6/6/02, 6/7/02*

II. DEPOSITIONS TAKEN BY DUPONT

A. WATER DISTRICT EMPLOYEES

1. Mike Betz (City of Belpre Water District 30(b)(7) Representative deposition) - 4/26/04
2. James Cox (Lubeck Public Service District 30(b)(7) Representative deposition) - 3/30/04
3. Donald Poole (Tuppers Plains 30(b)(7) Representative deposition) - 4/27/04

B. PLAINTIFFS

1. Carrie Allman (named class representative deposition) - 10/25/02
2. Roger Allman (named class representative deposition) - 10/11/02
3. Jack Cottrell (named class representative deposition) - 10/16/02
4. Virginia Cottrell (named class representative deposition) - 10/17/02
5. Sandra Cowan (named class representative deposition) - 10/8/02
6. Darlene Kiger (named class representative deposition) - 10/24/02
7. Joseph Kiger (named class representative deposition) - 10/23/02
8. Jack Leach (named class representative deposition) - 10/9/02
9. Aaron McConnell (named class representative deposition) - 10/29/02
10. William Parrish (named class representative deposition) - 10/10/02
11. Judith See (named class representative deposition) - 10/22/02

12. Richard See (named class representative deposition) - 10/18/02
13. Darleen Bailey (Deposition of former DuPont employee evaluated for C-8/
pregnancy outcome) - 6/15/04^{**}
14. Karen Robinson (Deposition of former DuPont employee evaluated for C-
8/ pregnancy outcome) - 6/16/04^{**}

^{**} Copies of these deposition transcripts are enclosed.

LIST C

Wilbur Earl Tennant, et al. v. E.I. du Pont de Nemours and Company, Inc.
U.S. District Court, Southern District of West Virginia
Civil Action No. 6:99-0488

List of Confidential Deposition Exhibits Subject to Protective Order

<u>Deponent</u>	<u>Exhibit No.</u>	<u>Document No.</u>	<u>Document Type</u>	<u>Date</u>	<u>Author</u>	<u>Recipient</u>
Andrew Hartten	18	EID114185-197	Letter containing Confidential Business Information	01/25/01	Gerald Kennedy	Charles Auer, USEPA
Andrew Hartten	28	EID118782-804	Charts	05/10/00	Bill Berti (DuPont)	Not listed
Andrew Hartten	29	EID118805-825	Charts	09/11/00	Bill Berti (DuPont)	Not listed

LIST D

Wilbur Earl Tennant, et al. v. E.I. du Pont de Nemours and Company, Inc.
U.S. District Court, Southern District of West Virginia
Civil Action No. 6:99-0488

List of Confidential Deposition Testimony Subject to Protective Order

<u>Witness</u>	<u>Page No.</u>	<u>Description</u>
Robert Ritchey	40 (Lines 21-23) 41 (Lines 1-7)	Testimony regarding confidential trademark issues relating to a Dupont product
Andrew Hartten	271 (Line 19) through p. 275 (Line 11)	Testimony regarding Confidential Depo. Exhibit 18
Andrew Hartten	300 (Line 20) through p. 305 (Line 19)	Testimony regarding Confidential Depo. Exhibits 28 and 29

LIST E

Jack W. Leach, et al. v. E.I. du Pont de Nemours and Company, Inc.
Circuit Court of Wood County, West Virginia
Civil Action No. 01-C-608

List of Confidential Deposition Exhibits
Subject to Stipulated Protective Order

<u>Deponent</u>	<u>Exhibit No.</u>	<u>Document No.</u>	<u>Document Type</u>	<u>Date</u>	<u>Author</u>	<u>Recipient</u>
Richard Angiullo	55	EID189826-835	E-mail and charts	07/31/01	Richard Angiullo	Janet Waters (DuPont), Vic Kleinfelter (DuPont)
Timothy Bingman	38	EID252815	Chart	07/10/00	Not listed	Not listed
Timothy Bingman	40	EID120806-818	Charts	08/21/00	J. Olguin (DuPont) R. Buck (DuPont) R. Pinchot (DuPont)	Not listed
Timothy Bingman	53	EID770690-695	Memorandum	11/25/03	Lynne Haroun (Environ)	File
Timothy Bingman	54	EID770696-781	Draft Report	12/12/03	Environ	DuPont
William Fayerweather	Portion of Exhibit 5	EID106598-106601	Employee lab results	07/23/79	Y.L. Power, M.D. (DuPont)	Bruce Karrh, M.D.

<u>Deponent</u>	<u>Exhibit No.</u>	<u>Document No.</u>	<u>Document Type</u>	<u>Date</u>	<u>Author</u>	<u>Recipient</u>
William Fayerweather	29	EID079375	Chart	1981	Not listed	Not listed
Charles O. Holliday, Jr.	48	EID189826-835	E-mail and charts	07/31/01	Richard Angiullo	Janet H. Waters (DuPont), Vic Kleinfelter (DuPont)
Robert Ingles	6	EID079375	Chart	1981	Not listed	Not listed
Gerald Kennedy	5	EID138315-351	Overhead slides for presentation	Undated	Not listed	Not listed
Gerald Kennedy	31	EID189644-652	Charts	Undated	Not listed	Not listed
Gerald Kennedy	33	EID219707-710	Minutes	09/24/01	Not listed	Not listed
Gerald Kennedy	34	EID302747-748	Proposal	Undated	Not listed	Not listed
Gerald Kennedy	47	GK007348-365	Overhead slides	03/13/02	Gerald Kennedy	Not listed
Gerald Kennedy	58	GK006972-978	Draft minutes	11/15/01	D.G. Farrar (Ineos Chlor)	Not listed
Bruce Karrh, M.D.	Portion of Exhibit 18	EID106598-602	Employee laboratory results	07/23/79	Y.L. Power, M.D. (DuPont)	Bruce Karrh, M.D.
Robin Leonard	2	EID713390-401	Manual	05/03	Robin C. Leonard, Kim Kreckmann, George Lineker	Not listed
Robin Leonard	38	EID775401-459	Study protocol	05/27/04	Not listed	Not listed
Darleen S. Bailey	2	MEID423001-116	Medical records	Various	Various	Various

<u>Deponent</u>	<u>Exhibit No.</u>	<u>Document No.</u>	<u>Document Type</u>	<u>Date</u>	<u>Author</u>	<u>Recipient</u>
Darleen S. Bailey	6	EID079375	Chart	1981	Not listed	Not listed
Karen Robinson	1	MED427001-141	Medical records	Various	Various	Various
Karen Robinson	5	EID079375	Chart	1981	Not listed	Not listed
Karen Robinson	7	Not numbered	Memorandum	08/28/89	Karen Robinson	To Whom It May Concern

LIST F

Jack W. Leach, et al. v. E.I. du Pont de Nemours and Company, Inc.
Circuit Court of Wood County, West Virginia
Civil Action No. 01-C-608

**List of Confidential Deposition Testimony
Subject to Stipulated Protective Order**

<u>Witness</u>	<u>Page No.</u>	<u>Description</u>
Richard Angiullo	282 (line 23) through p. 289 (line 10)	Testimony regarding Confidential Depo. Exhibit 55
Timothy Bingman	103 (lines 18-25) 104 (lines 1-4)	Testimony regarding confidential business information
Timothy Bingman	186 (lines 6-25) 187 (lines 1-8)	Testimony regarding Confidential Depo. Exhibit 38
Timothy Bingman	192 (line 12) through 194 (line 25)	Testimony regarding Confidential Depo. Exhibit 40
Timothy Bingman	225 (line 23) through 226 (line 3)	Testimony regarding Confidential Exhibit 54
Timothy Bingman	226 (line 10) through 234 (line 9)	Testimony regarding Confidential Depo. Exhibit 54
Charles O. Holliday, Jr.	231-236	Testimony regarding Confidential Depo. Exhibit No. 48
Gerald Kennedy (Vol. I)	84 (line 1) through 85 (line 13)	Testimony regarding Confidential Depo. Exhibit No. 5

<u>Witness</u>	<u>Page No.</u>	<u>Description</u>
Gerald Kennedy (Vol. I)	232 (lines 13-22) 233 (lines 1-21)	Testimony regarding Confidential Depo. Exhibit No. 31
Gerald Kennedy (Vol. I)	238 (line 19) through p. 243 (line 12)	Testimony regarding Confidential Depo. Exhibit No. 33
Gerald Kennedy (Vol. I)	245 (line 9) through 250 (line 2)	Testimony regarding Confidential Depo. Exhibit No. 34
Gerald Kennedy (Vol. I)	304 (line 7) through 307 (line 1-9)	Testimony regarding Confidential Depo. Exhibit No. 47
Gerald Kennedy (Vol. II)	401 (line 6) through 404 (line 5)	Testimony relating to DuPont confidential business information
Gerald Kennedy (Vol. II)	509 (line 16) through 514 (line 16)	Testimony regarding Confidential Depo. Exhibit No. 58
George H. Senkler, Jr.	165 (lines 20-24) 166 (lines 1-13)	Testimony relating to DuPont confidential business information
Karen Robinson	58 (line 22) through 76 (line 25)	Testimony relating to confidential medical information
Darleen Bailey	44 (line 1) through 45 (line 8)	Testimony relating to confidential medical information

LIST G

Jack W. Leach, et al. v. E.I. du Pont de Nemours and Company, Inc.
Circuit Court of Wood County, West Virginia
Civil Action No. 01-C-608

The following deposition exhibits were marked confidential by DuPont pursuant to the Stipulated Protective order in this litigation and bear a stamp with the language "CONFIDENTIAL. This document is subject to restriction. . . .". Please note that these exhibits are being produced because **DuPont has since withdrawn its claim of confidentiality for these documents**, noted as follows:

<u>Deponent</u>	<u>Exhibit No.</u>	<u>Document No.</u>	<u>Withdrawal of Confidentiality Claim</u>
Richard Angiullo	7	EID127564-581	Letter dated 1/8/03 from Douglas J. Simmons, Esq. to Robert A. Bilott, Esq. (attached)
Richard Angiullo	8	EID181074-076	Letter dated 1/8/03 from Douglas J. Simmons, Esq. to Robert A. Bilott, Esq. (attached)
Richard Angiullo	16	EID181068-071	Letter dated 1/8/03 from Douglas J. Simmons, Esq. to Robert A. Bilott, Esq. (attached)
Richard Angiullo	37	EID252791-797	Per Page 86 of Charles O. Holliday's deposition transcript
Charles O. Holliday, Jr.	5	EID252791-797	Per Page 86 of Holliday depo. transcript

<u>Deponent</u>	<u>Exhibit No.</u>	<u>Document No.</u>	<u>Withdrawal of Confidentiality Claim</u>
Charles O. Holliday, Jr.	55	EID181074-076	Letter dated 1/8/03 from Douglas J. Simmons, Esq. to Robert A. Bilott, Esq. (attached) and per Page 264 of Holiday depo. transcript
Charles O. Holliday, Jr.	58	EID181068-071	Letter dated 1/8/03 from Douglas J. Simmons, Esq. to Robert A. Bilott, Esq. (attached) and per Page 270 of Holiday depo. transcript
Charles O. Holliday, Jr.	59	EID477089-092	Letter dated 2/27/04 from Douglas J. Simmons, Esq. to Robert A. Bilott, Esq. (attached) and per Pages 273-274 of Holliday depo. transcript
Howard A. Smith	11	EID477089-092	Letter dated 2/27/04 from Douglas J. Simmons, Esq. to Robert A. Bilott, Esq. (attached) and per Page 128 of Smith depo. transcript

RECEIVED JAN 13 2003

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January 8, 2003

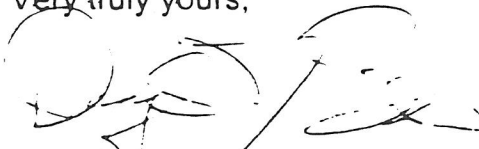
Robert A. Bilott
Taft, Stettinius & Hollister, LLP
1800 Firststar Tower
425 Walnut Street
Cincinnati, OH 45202-3957

**Re: *Jack W. Leach, et al. v. E.I. duPont de Nemours and Co. and
Lubeck Public Service District (Cir. Ct. of Wood Cty, WV, Civil
Action No. 01-C-608)***

Dear Rob:

I am writing in response to your letter of January 2, 2003 regarding the confidential designation assigned to the documents at EID209554, EID209529-31, EID230666, EID230865, EID127564, EID181074-6, EID181068-71, and EID092153-62. DuPont agrees to withdraw the confidential designation relating to these documents.

Very truly yours,



Douglas J. Simmons

cc: John R. McGhee, Esq.
Larry A. Winter, Esq.
R. Edison Hill, Esq.
Richard A. Hayhurst, Esq.

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February 27, 2004

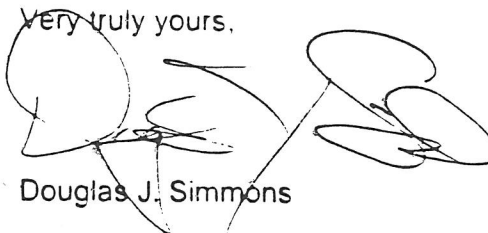
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Re: Jack W. Leach, et al. v. E.I. duPont de Nemours and Co. and Lubeck
Public Service District (Cir. Ct. of Wood Cty, WV, Civil Action No. 01-
C-608)

Dear Rob:

We are writing regarding Plaintiffs' challenges to DuPont's confidentiality claims. In response to your letter of February 3rd, DuPont withdraws the confidential designation on pages MEM014045-56, MEM013862, YAA000030-52, EID937562-3, EID937353 and EID937354-75. We are continuing to investigate items 3 through 7 in your February 3rd letter, and will get back to you regarding any withdrawals within that group. In response to your letter of February 23rd, DuPont withdraws the confidential designation on pages EID477089-92, EID917847-8, EID942342-97 and EID942400-42.

Very truly yours,



Douglas J. Simmons